

Battle Creek City Planning Commission

Staff report for the December 15, 2010 meeting

To: Planning Commissioners

From: Christine M. Hilton, AICP, Planning Supervisor
Planning and Community Development Department

Subject: Petition S-07-10, a Special Use Permit request for Buckeye Street,
Parcel #3920-00-002-0

Summary

A petition from Mr. Scott Hutchings, Family Health Center of Battle Creek, 181 W. Emmett St., Battle Creek, MI 49037, requesting a Special Use Permit to allow for an overflow Parking Lot in an “R-3B Multiple Family Residential District” as permitted under the Planning and Zoning Code, Chapter 1290, Sec. 1290.01(b)(13), for property located on Buckeye Street, Parcel #3920-00-002-0.

Background/Property Information

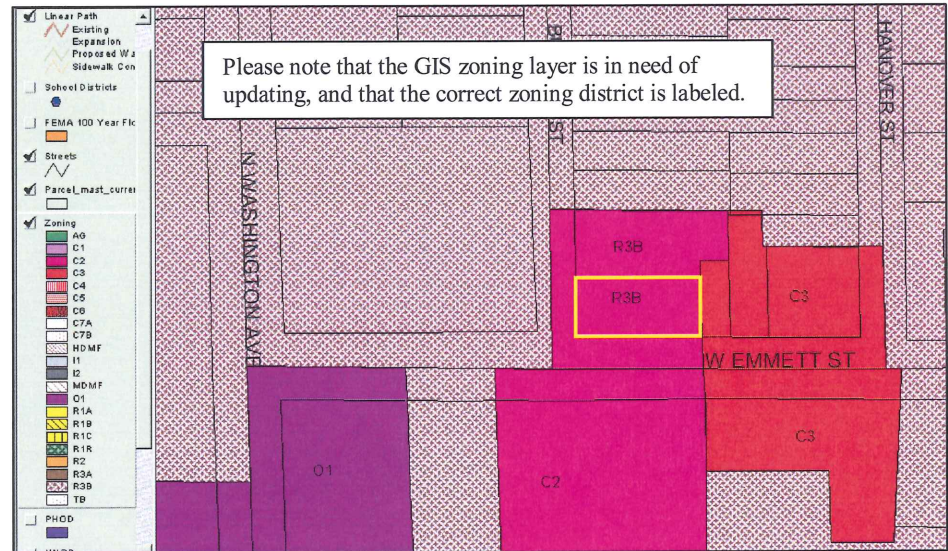
The subject site is located on the northeast corner of Buckeye and W. Emmett Streets, one block east of N. Washington Avenue. The parcel is .18 acre (7,917 s.f.) with 60’ of frontage along Buckley and 132’ of frontage along W. Emmett Street. Assessing records indicate that a twelve unit apartment building on the property was demolished in 1977 and the property has since been vacant. Since 1993 the property has been transferred numerous times, mostly between private or governmental agencies. Habitat for Humanity had plans for infill residential development in this neighborhood, but has since sold the lot to the Family Health Center.



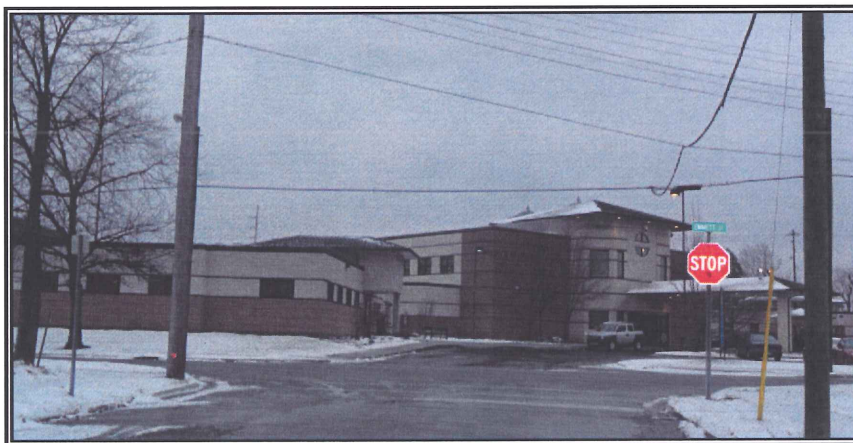
Surrounding Land Uses / Zoning

The zoning of the property, as well as those properties to the north, is R-3B Multi-Family Residential. Both this property and that directly to the north was rezoned in 2001 from C2 General Business District.

North of the subject site is an established residential neighborhood that contains a few vacant lots and the Park Hill Neighborhood Nursery. East of the property are commercial uses.



West of the property is a parking lot and facilities for the Seventh Day Baptist Church. The subject parcel is on the right of this photo.



South of the property is the Family Health Center facility. The subject parcel is on the left of this photo.

Proposed Scope of Project

The petitioners, Family Health Center, are seeking a special use permit to allow the construction of an overflow parking lot. The proposed parking lot will be paved as required, and will contain 24 parking spaces. They are proposing one light pole to be located mid-point along the south property line adjacent to W. Emmett Street. The parking lot will be curbed at its perimeter and remaining areas to be seeded.

The parking lot as proposed, meets all construction requirements addressed in the Zoning Ordinance. Chapter 1284 requires a ten foot buffer between parking lots and residential and the petitioners have received a variance from the Zoning Board of Appeals to construct the parking lot as indicated on the site plan attached with their application. Additionally, this chapter requires a vertical screen at least four feet in height between parking areas and residential property. The existing 6' privacy fence along the north property line complies with this requirement.

Applicable Ordinance Provisions

Chapter 1284.04(c) of the Zoning Ordinance requires parking lots to be located on the same parcel as the building or use that it serves; there are exemptions for commercial and industrial properties not applicable here. However, the City of Battle Creek Zoning Ordinance, Chapter 1290 Special Land Uses, specifically 1290.01(b)(13) allows for "*Parking lots on land not more than 300 feet from the boundary of any O, C, or I District*".

Therefore, this section allows by special use permit a parking lot to be on residential zoned property, providing it is located 300 feet from the above referenced zoning districts. As this parcel is located directly adjacent to properties zoned commercial, it is eligible for a special use permit.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Battle Creek Shoppers Guide on November 25, 2010 and notices of the public hearing were also sent by regular mail on November 22, 2010 to twenty-seven owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has not received any questions or comments relative to this request.

Neighborhood Outreach

The petitioner attended the November Neighborhood Planning Council #2 to present the request. As there was no quorum, no action was taken; however, there were no objections from the members that were present.

Basis For Determination

As a special use, the Planning Commission is charged with reviewing each Special Use Permit request to determine any effects the proposed use would have on the Master Plan as well as on the character and development of the neighborhood. The ordinance and enabling legislation allows the Planning Commission and the City Commission to impose any conditions upon the request that would ensure

the general objectives of the zoning ordinance are met and to preserve property values in the neighborhood.

The request shall be reviewed using the following standards listed in Chapter 1290.04 Basis for Determination (for Special Use Permits):

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- (b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- (c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.
- (f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.
- (h) The use will be consistent with the intent and purpose of this Zoning Code.

Analysis and Recommendation

Staff has reviewed the application and finds that it meets the requirements for submittal and is considered complete. Staff further finds the request consistent with the general standards listed in 1290.04, as outlined herein:

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan in that the Family Health Center provides an essential service to the residents of the City, and the master plan strives to support these services as well as their expansion (4-23). The parking lot at this location will allow for future growth of their facilities.
- (b) The proposed use will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood as it is located adjacent to a commercial use, east of another parking lot, and north of the Family Health Center facility.

- (c) The use will not be hazardous or disturbing to existing or future neighboring uses as the proposed use is similar to those found in that vicinity, and will be constructed in compliance with zoning requirements for screening from adjacent residential properties.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole as a vacant lot that has little opportunity to be developed under the existing zoning ordinance is able to be used to allow for future growth of an important community resource.
- (e) The use will be adequately served by essential public facilities and services in that public utilities already exist and no additional needs are required for this use.
- (f) There will be no City expenses associated with the maintenance and improvements to the parking lot, and therefore, the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) There will be no activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.
- (h) The use will be consistent with the intent and purpose of this Zoning Code in that the parking lot will be constructed in compliance with all relevant sections of the zoning ordinance and codified ordinances.

Therefore, as the request meets the general standards listed in Chapter 1290.04 as outlined above, planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S-07-10 that would allow for the construction of a parking lot on Parcel #3920-00-002-0 with the following conditions:

Project Specific Conditions:

1. All necessary approvals and any required permits shall be obtained from the appropriate agencies, including but not limited to the State of Michigan, Department of Public Works, Inspections Department, and Zoning Board of Appeals prior to Certificate of Occupancy.
2. The outdoor lighting fixture shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways.
3. The 6' privacy fence along the north property line shall be maintained and/or replaced in order to buffer the parking lot from the adjacent residential use to the north.

Administrative Conditions:

4. Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the

Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.

5. Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.

The Planning Commission can add additional conditions to those listed above in the staff recommendation. The Planning Commission may also upon deliberation, choose an alternative action from the following alternatives:

- A1: Postpone the project for specific reasons, with agreement from the applicant;
- A2. Articulate revised rationale of the general standards and/or conditions to recommend to the City Commission Approval OR Denial of the subject application.

Attachments

The following information is attached and made part of this Staff report.

1. Special Use Permit petition Form and Supplemental Information (Petition #S-07-10)

Proposed Scope of Project

The petitioners, Family Health Center, are seeking a special use permit to allow the construction of an overflow parking lot. The proposed parking lot will be paved as required, and will contain 24 parking spaces. They are proposing one light pole to be located mid-point along the south property line adjacent to W. Emmett Street. The parking lot will be curbed at its perimeter and remaining areas to be seeded.

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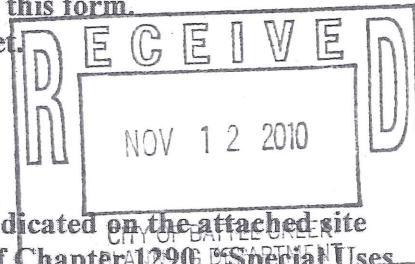
PETITION FOR A SPECIAL USE PERMIT



City of Battle Creek, Michigan
Department of Planning and Community Development

Petition No. S-07-10

Please read instruction on reverse before completing this form.
If additional space is required, attach a separate sheet.



The City Commission of the City of Battle Creek, Michigan

Honorable Mayor and City Commissioners:

I / We, the undersigned owner(s) of the property described below and indicated on the attached site plan, do hereby petition for a Special Use Permit under the provisions of Chapter 1290, "Special Uses and Land Development", of the Planning and Zoning Code of the City of Battle Creek, to permit this property to be used exclusively as indicated below.

Legal Description of Property: TAX ID # 3920-00-002-0
8 BUCKEYE ST.

Present Use of Property:

VACANT LOT

Proposed Use of Property:

FAMILY HEALTH CENTER OVERFLOW PARKING - PROVIDING
24 PARKING SPACES.

Reasons why petitioner feels that a Special Use Permit should be granted:

DUE TO THE NARROW DIMENSIONS OF A CORNER LOT - IT IS
UNSUITABLE FOR RESIDENTIAL OR COMMERCIAL BUILDING.
PARKING LOT WILL PROVIDE SAFE PARKING FOR FHC PATIENTS &
VISITORS IN CLOSE PROXIMITY TO MAIN ENTRANCE.

Present Zoning Classification: R3B District.

Property Owner(s) V or Agent (Check one)

FAMILY HEALTH CENTER OF BATTLE CREEK

Name

101 W. EMMETT ST BC 49037

Address

269-966-2600

Telephone

Fax

Signature

SCOTT HUTCHINGS

Name

Address

Telephone

Fax

Signature

FOR OFFICE USE ONLY

Date Petition Received: 11-12-10

Petition Fee Received: \$1000.00

Received By: Glenn PERIAN

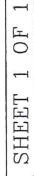
Planning Commission Recommendation:

Approve _____ Deny _____ Date _____

City Commission Action:

Approve _____ Deny _____ Date _____


Resolution No. _____

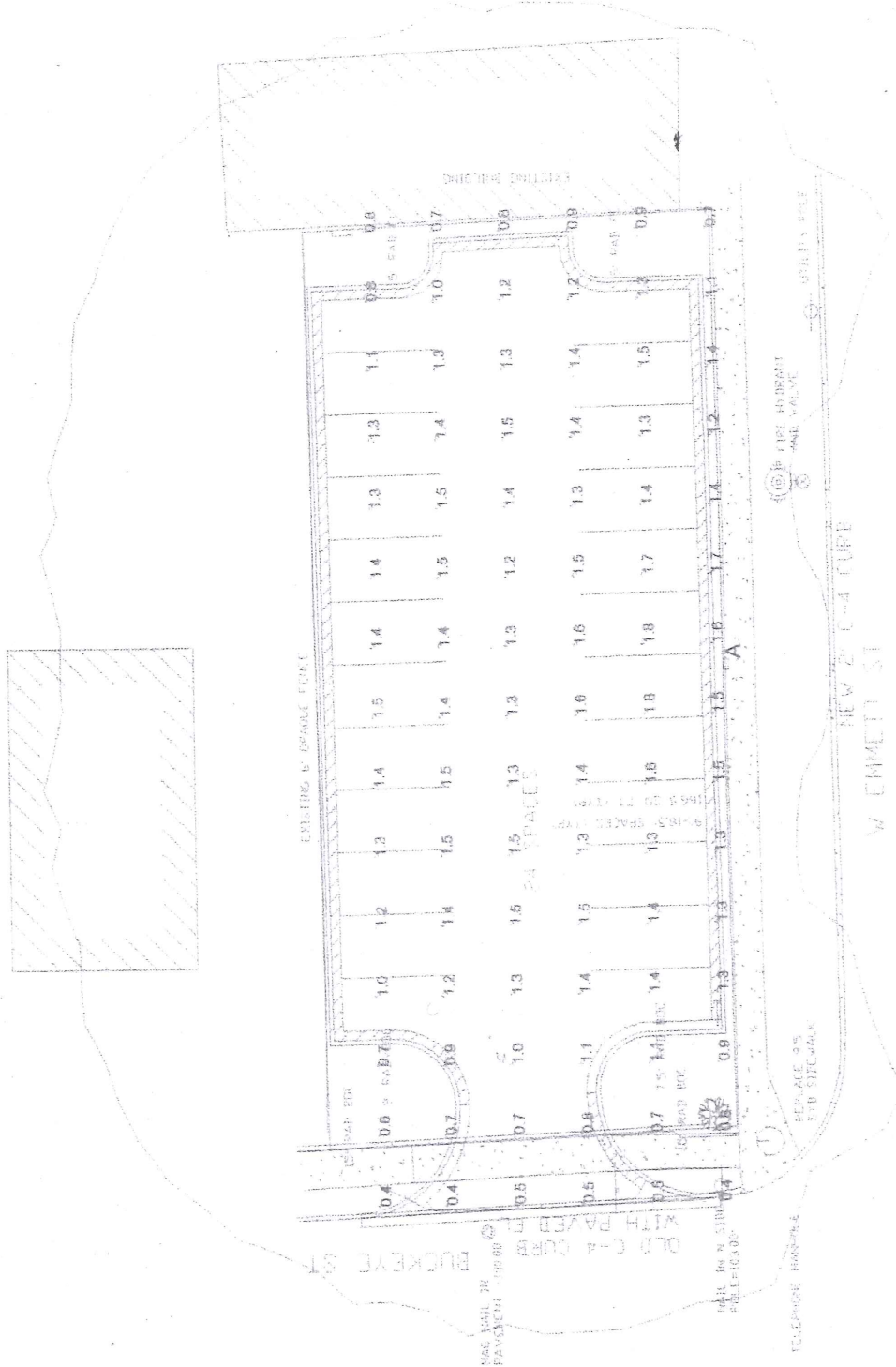


LEACHING BASINS SIZED TO TREAT AT LEAST THE FIRST 1/2" OF RAINFALL.

Nov 10, 2010 2:25pm FAX-2010\100901\topopdian.DWG

LUMINAIRE SCHEDULE

| Symbol | Label | Qty | Catalog Number | Description | Lamp | File | Lumens | LLF | Watts |
|---|-------|-----|---|--|--|-----------------------------|--------|------|-------|
|  | A | 1 | KVR2 400S ASYDL EHS TB RPD09 DBL TLS RTA 30 8E DM19 DBL | ROUND AREA LIGHT, ASYMMETRIC DISTRIBUTION, DROP LENS, HOUSE SIDE SHIELD. | ONE 400-WATT CLEAR ED-18 HIGH PRESSURE SODIUM, VERTICAL BASE-UP POSITION. | KVR2_400S_A SYDL_EHS.ies | 50000 | 1.00 | 465 |



Plan View

Scale 1" = 25'

Family Health Center of Battle Creek
181 West Emmett Street, Battle Creek, MI 49037



8 Buckeye from corner of Buckeye and Emmett



8 Buckeye – southwest corner view